

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 28, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA W. CHRISTENSEN,

Defendant.

No. 2:19-CR-00063-TOR-1

ORDER FOLLOWING
INITIAL APPEARANCE
ON PETITION AND MOTION TO
DISMISS

**MOTIONS DENIED
(ECF No. 103, 116)**

At Defendant's April 28, 2021, initial appearance based on a petition for action, post-conviction, filed March 25, 2021, **ECF No. 99**, alleging violation No. 1, Defendant appeared out of custody via video with Federal Defender Andrea George. Assistant U.S. Attorney Timothy Ohms represented the United States and also appeared by video. United States Probation Officer Corey McCain was present telephonically. At the time of the hearing, Defendant consented to proceeding by video.

Defendant was advised of, and acknowledged, his rights.

The United States requested Defendant be detained pending the revocation hearing, **ECF No. 103**. The Court held a motion hearing and considered the argument of counsel.

The Court finds Defendant has met the burden under FED. R. CRIM. P. 32.1(a)(6) and established there are conditions that will reasonably assure his appearance and the safety of the community pending further proceedings.

1 Accordingly, **IT IS ORDERED** the United States' motion for detention, **ECF No.**
2 **103**, is **DENIED**. Defendant is released on condition he comply with the
3 conditions of release previously imposed, that he remain in contact with his
4 counsel, and appear for all scheduled proceedings.

5 Defendant moved for dismissal of the violation petition, asserting
6 alternatively (1) merely being cited for an offense is not a violation of Condition
7 No. 1 and (2) the evidence as further developed by the defense suggests that any
8 action by the defendant was justifiable self defense and (3) the court in which the
9 citation was filed dismissed the substantive assault charge "in the interest of
10 justice."

11 Defendant's motion **ECF No. 116** is **DENIED**. For a defendant not in
12 custody, the substantive merits of the alleged probation violation are the province
13 of the District Judge.

14 A **probation revocation hearing** is set in person before Judge Rice, in
15 Spokane, Washington, on **May 20, 2021 at 9:30 a.m.**

16 **IT IS SO ORDERED.**

17 DATED April 28, 2021.

A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE